

REMARKS

Claims 1-17 were presented for examination.

Although the "Disposition of Claims" on page 2 of the Office Action indicates that Claim 17 is rejected, the Office Action does not specifically reject Claim 17 on any basis – statutory or otherwise. Accordingly, Applicants assume that there has been a typographical error as to Claim 17 and that it contains allowable subject matter.

Claims 1-16 were rejected. Therefore, Claims 1-16 remain for further consideration.

The Anticipation Rejection:

Claims 1-10 and 13-16 presently stand rejected as being anticipated by the Bokelman et al. patent (U.S. Patent No. 5,966,218) within the meaning of 35 U.S.C. § 102(b).

Response:

Applicants traverse this rejection.

The present invention involves a method and apparatus for measuring a characteristic of a cigarette tipping paper at one or more specific locations along a continuous web of the cigarette tipping paper. The measured characteristic is stored in a database file. In addition, a sample code that includes the stored data is printed on the cigarette tipping paper at the specific location where the measurement was performed.

The rejected independent claims, namely Claims 1, 7, 9 and 13 express this feature in the following terms:

- **Claim 1:** “applying a sample code including said stored data associated with a specific location on said cigarette tipping paper at said specific location on said paper”.
- **Claim 7:** “applying a sample code including said stored data associated with a specific location on said tipping paper at each of said one or more specific locations along said paper”.
- **Claim 9:** “printing a sample code having information corresponding to said measured characteristic at the location where said measurement took place”.
- **Claim 13:** “a printing device that is adapted to print a sample code including information corresponding to a measured characteristic of a location on said web, said printing device being positioned to print said sample code on said web at said location on said web”.

The Bokelman et al. patent stands in sharp contrast to the feature described above and recited in the independent claims of this application. More particularly, the Bokelman et al. patent concerns banded paper – which is different in kind from cigarette tipping paper. In addition, the Bokelman et al. patent uses a photoelectric sensor 14 to continuously project a beam of infrared radiation onto the paper. That beam of infrared radiation is reflected by the paper and the reflected beam is detected and used to quantify paper characteristics such as band spacing. (See., Col. 4, lines 36-46). An ink jet marker may print information on the passing paper. (See, Col. 4, lines 59-61). Specifically, the location of an irregular band may be marked, by printing a “mark” on the paper at that particular location. (See, Col. 7, lines 53-55, and 60-62).

In short, the Bokelman et al. patent does not apply a sample code containing stored data for that location, or including data for that location. Rather, the Bokelman et al. patent identifies the spatial location of an aberration without containing any information about the aberration. By contrast, the information in the

sample code of the present invention is not indicative of an aberration or a problem – rather the sample code indicates what the measured value is at that particular location.

The importance of the distinction becomes even more apparent when the present invention is viewed in context. The present invention provides a mechanism whereby cigarettes having the printed sample code information can be taken from the production line and then tested – the sample code providing information about measured criteria during the manufacturing process.

Since each of independent Claims 1, 7, 9, and 13 include this feature, Applicants respectfully submit that none of those independent claims is anticipated within the meaning of 35 U.S.C. § 102(b).

Furthermore, Applicants respectfully submit that none of those independent claims would be obvious to one of ordinary skill in the art at the time of the invention considering the Bokelman et al. patent. More particularly, the Bokelman et al. patent provides a paper inspection system that only marks paper for the tobacco rod which is out of specification – it provides no information for use in subsequent testing of cigarettes that are otherwise within manufacturing parameters and tolerances. In contradistinction, the present invention applies a sample code to cigarette tipping paper that is otherwise perfectly within manufacturing parameters and tolerances so that subsequent testing of that cigarette can be accomplished with knowledge of the particular values for that parameter at the time of manufacture.

Accordingly, Applicants submit that the independent claims would not be obvious to one of ordinary skill in the art within the meaning of 35 U.S.C. § 103 in view of the Bokelman et al. patent.

Claims 2-6, 8, 10-12, and 14-16 depend directly or ultimately from one of those independent claims and are, therefore, allowable therewith. Moreover, each of these dependent claims adds one or more additional features to the corresponding independent claim, thus providing a further, independent basis for allowability.

The Obviousness Rejection:

Claims 11-12 presently stand rejected as being obvious to one of ordinary skill in the art at the time the invention was made within the meaning of 35 U.S.C. § 103 in view of the Bokelman et al. patent.

Response:

Applicants also traverse this rejection. As noted above, these claims are allowable at least for the reason that the independent claim from which they depend is allowable. Accordingly, it is unnecessary to further discuss the specific rejection

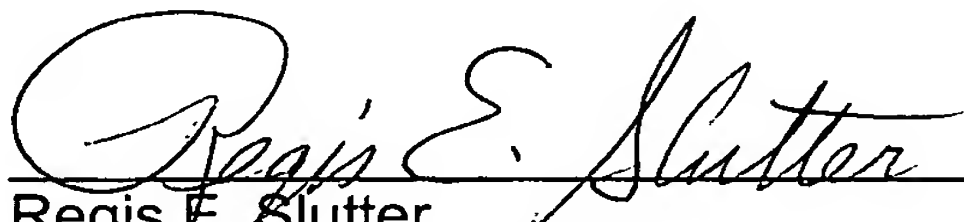
Conclusion:

Based on the foregoing, Applicants respectfully submit that all pending claims are now in condition for allowance. Accordingly, Applicants request that a formal notice of allowance be issued.

Respectfully submitted,

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